

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 18-4916 PA (AFMx)	Date	February 25, 2019
Title	Andrea Ridgell v. Frontier Airlines, Inc., et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Kamilla Sali-Suleyman	Not Reported	N/A	
Deputy Clerk	Court Reporter	Tape No.	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	

**Proceedings: Order to Show Cause Re; Dismissal For Lack Of Prosecution**

The Court has reviewed plaintiff Andrea Ridgell's ("Plaintiff") Response to the Court's January 28, 2019 order to show cause. In her Response, Plaintiff establishes that she is attempting to serve defendant Airbus S.A.S. ("Airbus") with the Summons and Complaint in France pursuant to the Hague Convention, and that the 90-day deadline established by Federal Rule of Civil Procedure 4(m) does not apply.

Under Federal Rule of Civil Procedure 4(m) service of process on each of the defendants generally is due within 90 days of the filing of the complaint. Specifically, Rule 4(m) provides:

[i]f a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1).

Fed. R. Civ. P. 4(m). Even though the 90-day deadline for serving process does not apply to service abroad, "if service in a foreign country is not pursued in a diligent fashion, the district court can dismiss the action because of the plaintiff's failure to prosecute." 4B Charles Alan Wright & Arthur R. Miller, et al., Federal Practice and Procedure: Federal Rules of Civil Procedure § 1137 (4th ed.) (footnotes omitted).

While Plaintiff has initiated service on Airbus pursuant to the Hague Convention, that process has apparently not been completed. Plaintiff's Response also states that she "is exploring other potential mechanisms for service." The Court continues Plaintiff's deadline to respond to the January 28, 2019 Order to Show Cause to March 25, 2019. Failure to further respond to the Order to Show Cause by that date, or to otherwise diligently prosecute this action

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may result in the dismissal of Plaintiff's claims against Airbus without prejudice and without further warning.

IT IS SO ORDERED.

	_____ :	_____
Initials of Preparer	KSS	